



THE CITY OF NEW YORK
LAW DEPARTMENT
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(not for service)

January 31, 2024

VIA ECF

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York

Re: *Prophete v. New York Metropolitan Hospital et al.*
Case No. 23-cv-11117-RA

Dear Judge Abrams:

I am a Deputy Chief in the General Litigation Division of the Office of the Corporation Counsel. As part of my duties, I am responsible for assigning cases to staff attorneys within the Division.

On January 19, 2024 (while I was on vacation), I received a copy of the Complaint (ECF No. 1) and Order of Service (ECF No. 7) in this matter in which Plaintiff alleges he was denied food and water for twenty-four hours and denied mental health treatment by doctors at Metropolitan Hospital

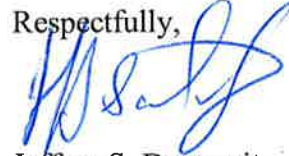
In the Order of Service, Your Honor "ordered that the New York City Law Department, which is the attorney for and agent of the City of New York, must ascertain the identity of each Doe defendant whom Plaintiff seeks to sue here and the address where each defendant may be served. The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order."

While the Law Department is indeed the attorney for the City of New York, the City is not a named defendant in this action. Rather, the defendants are Metropolitan Hospital and unidentified doctors at that hospital. This is significant because NYC Health + Hospitals ("H+H"), of which Metropolitan Hospital is a member, is a distinct legal entity from the City and is not represented by this Office in every case as a matter of course. *See Brennan v. City*, 59 N.Y.2d 791 (N.Y. 1983) (HHC is a public benefit corporation independent of the City of New York and is not an agency of the City of New York); *Haynes v. Giuliani*, 238 A.D.2d 257 (1st

Dep't 1997) (HHC is an entity separate and distinct from the City of New York with "complete autonomy respecting its personnel.") In fact, the defendants in this action are not being represented by the Law Department. However, I have forwarded the Complaint and Order of Service to H+H's legal division for its review.

Based on the foregoing, I respectfully request that the Law Department be relieved of its obligations under the Order.

Respectfully,



Jeffrey S. Dantowitz
Assistant Corporation Counsel

cc: Alin Christopher Prophete
(via ECF)

Application granted.

Accordingly, it is ordered that the New York City Health + Hospitals, officially the New York City Health and Hospitals Corporation ("HHC"), ascertain the identity of each Doe Defendant whom Plaintiff seeks to sue and the address where each Defendant may be served. HHC must provide this information to Plaintiff within sixty days of the date of this Order. Within thirty days of receiving this information, Plaintiff shall file an amended complaint with the real names of the Doe Defendants.

The Clerk of Court is respectfully directed to mail HHC a copy of this Order, the complaint, and the prior order of service (Dkt. No. 7) to the following address: 125 Worth Street, Room 527, New York, NY 10013. The Clerk of Court is also directed to mail Plaintiff a copy of this Order.

SO ORDERED.



Hon. Ronnie Abrams
February 2, 2024